

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

GILEAD SCIENCES, INC., <i>et al.</i> ,	:	x
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Plaintiffs,	:	Case No. 21-cv-4106 (AMD) (RER)
	:	
v.	:	
	:	
SAFE CHAIN SOLUTIONS, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	x	

**STIPULATION AND [PROPOSED] ORDER CONVERTING THE
TEMPORARY RESTRAINING ORDER INTO A PRELIMINARY
INJUNCTION AND MODIFYING THE ASSET FREEZE ORDER AS TO
DEFENDANTS BORIS ABRAMOV AND HASHEM YITBARACH LLC**

WHEREAS, on July 30, 2022, Plaintiffs Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC (together, “Gilead” or “Plaintiffs”) filed their proposed Fourth Amended Complaint and sought a temporary restraining order and asset freeze order against Defendants Boris Abramov and Hashem Yitbarach LLC (“HY”);

WHEREAS, on August 11, 2022, the Court entered the Fourth Amended Complaint, the Temporary Restraining Order and Order to Show Cause for a Preliminary Injunction (“TRO”), and the Asset Freeze Order (Dkt. Nos. 626-628);

WHEREAS, on August 23, 2022, the Court entered an Order extending the TRO and Asset Freeze Order (Dkt. No. 642);

WHEREAS, on August 31, 2022, Gilead, Boris Abramov, and HY filed a stipulation and proposed order extending the briefing schedule with respect to the TRO (Dkt. No. 660);

WHEREAS, on September 1, 2022, the Court entered the aforementioned stipulation and proposed order, providing Boris Abramov and HY until October 3, 2022 to file answering papers (Dkt. No. 663);

NOW THEREFORE, UPON THE STIPULATION AND AGREEMENT by and between the undersigned counsel for Plaintiffs, Boris Abramov, and HY, it is hereby ORDERED that:

1. The TRO and Asset Freeze Order entered on August 11, 2022, and modified on August 23, 2022, and September 1, 2022, is hereby further MODIFIED as to Boris Abramov and HY as follows:
 - a. Any bank, brokerage house, or financial institution holding frozen assets under the Asset Freeze Order shall continue to hold such assets except as set forth in this Order.
 - b. Counsel for Plaintiffs, Boris Abramov, or HY may immediately serve this Order upon Signature Bank and Bank of America.
 - c. Within three (3) business days of being served with this Order, **Signature Bank** shall issue cashier's checks made payable to "Clerk, U.S. District Court." The checks shall state the caption and docket number of this case ("Gilead Sciences, Inc. v. Safe Chain Solutions, LLC, 21-cv-4106). Such cashier's checks shall be for the following amounts and drawn from the following accounts:
 - i. From Maspeth Rx Inc.'s account ending '4083: \$19,777.39.
 - ii. From MTY Rx Inc.'s account ending '4350: \$100,330.45.
 - iii. From Neptune Meds Inc.'s account ending '5136: \$45,490.00.

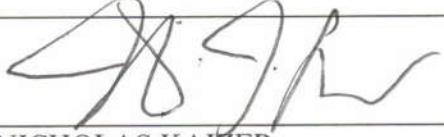
- d. Within three (3) business days of being served with this Order, **Bank of America** shall issue cashier's checks made payable to "Clerk, U.S. District Court." The checks shall state the caption and docket number of this case ("Gilead Sciences, Inc. v. Safe Chain Solutions, LLC, 21-cv-4106). Such cashier's checks shall be for the following amounts and drawn from the following accounts:
- i. From Boris and Sharona Abramov's joint savings account ending '7168: \$3,300.
 - ii. From Boris and Sharona Abramov's joint checking account ending '8423: \$1,329.51.
 - iii. From Boris and Sharona Abramov's joint checking account ending '7155: \$861.73.
 - iv. From Boris and Sharona Abramov's joint checking account ending '33045: \$1,123.89.
- e. Within three (3) business days of receipt of the cashier's checks described in subparagraphs (c)-(d), above, Defendants Boris Abramov and HY, or counsel acting on their behalf, shall cause \$172,212.97 to be deposited into the United States District Court for the Eastern District of New York via the cashier's checks described in subparagraphs (c)-(d), above. To do so, the checks shall be sent, with a copy of this Order, by FedEx Priority Overnight to "Douglas Palmer, Clerk of Court, Theodore Roosevelt United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201," or hand delivered with a copy of this Order to that address.

- f. Upon receipt and deposit of the cashier's checks referenced in subparagraphs (c)-(d) above, the Clerk of Court shall notify the Court upon receiving and depositing each check by so-indicating on the electronic ECF/CM docket in this case.
- g. Within two (2) business days of the successful deposit of \$172,212.97 by the Clerk of Court for the United States District Court for the Eastern District of New York on behalf of Boris Abramov and HY, counsel for Gilead shall provide a letter confirming that the accounts disclosed by Boris Abramov and HY on September 2, 2022 may be unfrozen by Signature Bank and Bank of America. For avoidance of doubt, the accounts to be unfrozen are limited to those listed in subparagraphs (c)-(d), above, along with Boris Abramov's Bank of America retirement account ending '7Q18, and Boris and Sharona Abramov's Bank of America joint savings account ending '2628.
- h. Counsel for Plaintiffs, Boris Abramov, or HY may immediately serve the letter referenced in subparagraph (g) upon Signature Bank and Bank of America, along with a copy of this Order. Upon receipt of the letter referenced in subparagraph (g) and a copy of this Order, Signature Bank and Bank of America shall immediately unfreeze the accounts listed in subparagraphs (c), (d), and (g).
- i. For avoidance of doubt, no bank shall unfreeze any accounts pursuant to this Order except those listed in subparagraphs (c), (d), and (g), above, and according to the procedures set forth in this Order.

2. As modified above, the Court's August 11, 2022 TRO and Asset Freeze Order is converted into a preliminary injunction. Except to the extent inconsistent with this Order, the provisions of the TRO and Asset Freeze Order shall remain in effect.
 3. Nothing in this stipulation shall constitute or be treated as an admission by any party. Plaintiffs and Defendants Boris Abramov and HY do not waive any rights and remedies not addressed herein.
2. Signatures transmitted electronically or by facsimile shall be deemed original.

Dated: September 30, 2022

Respectfully submitted,

 GEOFFREY POTTER ARON FISCHER TIMOTHY A. WATERS THOMAS P. KURLAND GIZELE RUBEIZ PATTERSON BELKNAP WEBB & TYLER LLP 1133 Avenue of the Americas New York, NY 10036-6710 Tel: (212) 336-2000 Fax: (212) 336-2222 gpotter@pbwt.com afischer@pbwt.com twaters@pbwt.com tkurland@pbwt.com grubeiz@pbwt.com <i>Attorneys for Plaintiffs</i>	 NICHOLAS KAIZER LEVITT & KAIZER ATTORNEYS AT LAW 40 Fulton Street, 17th Floor New York, NY 10038 Tel: (212) 480-4000 nkaizer@landklaw.com EDWARD V. SAPONE SAPONE & PETRILLO, LLP 40 Fulton Street, 17th Floor New York, NY 10038 Tel: (212) 349-9000 ed@saponepetrillo.com <i>Attorneys for Defendants Boris Abramov and Hashem Yitbarach LLC</i>
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SO ORDERED

Hon. Ann M. Donnelly

CERTIFICATE OF SERVICE

I hereby certify, that on September 30, 2022, I served the foregoing upon counsel of record via ECF.

/s/ Maxwell K. Weiss